

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Olivier Petion

Petitioner

v.

Case No. _____

(Supplied by Clerk of Court)

FILED
IN CLERKS OFFICE
2020 OCT 28 AM 12:28
U.S. DISTRICT COURT
DISTRICT OF MASS.

Maria Rodriguez

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Carla Marie Conforto - Mother
- (b) Other names you have used: _____
2. Place of confinement: _____
- (a) Name of institution: _____
- (b) Address: *18 Everton Street Dorchester Massachusetts *last known
- (c) Your identification number: _____
3. Are you currently being held on orders by:

☐ Federal authorities

☒ State authorities

☐ Other - explain: _____
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☐ Being held on an immigration charge

☒ Other (explain): [private] house confinement without sufficient authorization arising from defective state process

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☒ Other (explain): structural errors in care and protection proceeding-lower court (state) clerks altered or obliterated-interfered with Mother's record on interlocutory appeal interference with Faratt's rights, VS Const 4, 6, 14

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Middlesex Juvenile Court
121 Third Street Cambridge Massachusetts
 (b) Docket number, case number, or opinion number: 19CP0037CA
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
juvenile court clerks altered the record interfering with interlocutory appeal under c211B3 in violation of 18 USC § 1501, § 1506 in the obliteration or altering documents; assault on process; Const. Amend 14
 (d) Date of the decision or action: September 8, 2020

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
 (2) Date of filing: _____
 (3) Docket number, case number, or opinion number: _____
 (4) Result: _____
 (5) Date of result: _____
 (6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: state process itself is the grounds for habeas relief therefore, the issue has been properly presented to the state "limitation on the access of, to legal remedies" Preiser v Rodriguez, 411 US 475 (1973)

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application:

MGL c 231 (Interlocutory) c 21183 Single Justice

(b) Name of the authority, agency, or court:

c 231 filed with Mass App. Cts.

c. 21183 with Single Justice

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result:

denied w/out hearing but-for-cause the record was altered deceiving the Single Justice

(f) Date of result: _____

(g) Issues raised:

lower court process was defective depriving Mother of the constitutional guarantees of Hubbert v Michigan

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO: lower court altered the record in a bad faith attempt to usurp

Petitioners rights to a Single Justice.

review violating principles of the Separation of powers doctrine and Art 29 Mass DecofR.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

members of lower court clerks office are members of judicial branch of government clerks with judicial branch of government have altered the public record docket to mislead the Single Justice and Mother of Olivier Petition upon information and belief this was done to aid the executive prosecutor in violation of the Separation of powers doctrine embedded in The United States Constitution as well as Art 29 Mass DecofR.

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Immediately remove Oliver Petion from [private house] and have him returned to custody of his Mother. Grant such other relief it may appear Petitioner Oliver Petion is entitled to pending resolution of state process. Stay lower court proceedings until Mother is appointed counsel. Allow Oliver Petion to be matriculated at his current choice institution of learning [Boston Latin].

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

28th October 2020

Carla Marie Conforto - Mother

Signature of Petitioner

Signature of Attorney or other authorized person, if any